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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Eileen Louise Rice McFarland
Application No.: 09/724,135 Group: 1641
Filed: November 28, 2000 Examiner: Padmanabhan, K.
For: METHOD FOR DIAGNOSING A PREDISPOSITION OF
PSYCHOSIS IN A PROGENY

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REPLY BRIEF

Box AF
Assistant Commissioner for Patents
P.O. Box 2327
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Sir:

This Reply Brief is submitted in reply to the Examiner's answer mailed from the U.S. Patent and Trademark Office on December 27, 2002 in the above referenced application.

Appellant submits the following replacement for Item VII : Grouping of Claims.
Appellant has included Claims 11 and 13 in the proper groupings.

VII. GROUPING OF CLAIMS

Claims 1-5, 11 and 13 stand or fall together. Specifically, Claims 1-5, 11 and 13 relate to a method of aiding in a diagnosis of a predisposition to psychosis in a progeny who possesses Cw blood antigen, comprising obtaining a biological sample from the mother of the progeny and determining the presence of anti-Cw antibody in the biological sample, where the presence of an anti-Cw antibody in the biological sample is indicative of a predisposition of the progeny to psychosis.

Claims 6-9 stand or fall together. Specifically, Claims 6-9 relate to a method of screening for a predisposition to psychosis, comprising obtaining a biological sample from a maternal donor and determining the presence of anti-Cw antibody in the sample, wherein the presence of an anti-Cw antibody is indicative of a predisposition to schizophrenia in the progeny if the donor's progeny possess Cw antigen.

Claims 10 and 12 do not stand or fall with the other claims because Claims 10 and 12 contain additional limitations which further distinguish the subject matter of Claims 10 and 12 from the other claims. Specifically, Claims 10 and 12 relate to a **product**, a kit comprising anti-Cw antibody, a detector that binds to anti-Cw antibody and instructions for use, used to aid in diagnosing a predisposition to psychosis. Whereas, Claims 1-9, 11 and 13 relate to **methods** of aiding in a diagnosis or screening for a predisposition to psychosis utilizing anti-Cw antibody.

Appellant has provided Appendix C indicating the pending claims on Appeal as amended in the Amendment After Final submitted with the Brief on Appeal and accepted by the Examiner. No new matter is added.

CONCLUSION

In view of the foregoing and the arguments presented in Appellant's Brief of Appeal, it is respectfully requested that the rejections be reversed and the application be allowed.

Respectfully submitted,
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Dated: February 6, 2003



09/724,135

APPENDIX C: Appealed Claims as Amended

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What is claimed is:

1. (Twice Amended) A method for aiding in a diagnosis of a predisposition to psychosis in a progeny who possesses Cw blood antigen, comprising:
 - (a) obtaining a biological sample from the progeny's mother; and
 - (b) determining presence of anti Cw antibody in the biological sample,wherein the presence of an anti Cw antibody in the biological sample is indicative of a histocompatibility and a predisposition of the progeny to psychosis.
2. A method as in claim 1 wherein the psychosis is schizophrenia.
3. A method as in claim 1 wherein the psychosis is an axis I disorder.
4. A method as in claim 1 wherein the psychosis is an axis II disorder.
5. (Twice Amended) A method as in claim 1 wherein the mother and progeny have compatible blood type.
6. (Twice Amended) A method of screening for predisposition to psychosis, comprising:
 - (a) obtaining a sample from a maternal donor; and
 - (b) determining presence of an anti-Cw antibody in the sample,wherein the presence of an anti-Cw antibody is indicative of a predisposition to psychosis if donor's progeny possess Cw antigen.
7. (Amended) A method as in Claim 6 wherein the progeny has a family history of psychosis.

8. (Amended) A method as in Claim 6 wherein the donor is pregnant.
9. A method as in Claim 8 wherein the donor is post-partum.
10. (Twice Amended) A kit for use in diagnosis of psychosis, comprising a sample containing anti-Cw, a detector that binds to anti-Cw antibody, and instructions for using the antibody and detector to diagnose a predisposition to psychosis.
11. (Twice Amended) A method for diagnosing or aiding in a diagnosis of a predisposition to a psychotic disorder, comprising determining presence of anti-Cw antibody in a sample from an individual with Cw antigen, wherein the presence of anti-Cw antibody indicates a positive diagnosis.
12. (Amended) A kit for use in diagnosis of psychosis, comprising a sample containing anti-Cw antibody, a detector that binds to anti-Cw antibody; and instructions for utilization of the kit according to the method of Claim 1.
13. The method of Claim 1, further comprising utilizing a kit, comprising a sample of anti-Cw antibody, a detector that binds to anti-Cw antibody; and instructions for using the antibody and detector to diagnose a predisposition to psychosis.